

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

Carrington Mortgage Services, LLC

Plaintiff

vs.

**Christopher E. Whitney and Christina E.
Emery**

Defendants

CIVIL ACTION NO: 2:20-cv-00068-JDL

**SUGGESTION OF BANKRUPTCY AS TO
DEFENDANTS AND REQUEST TO
STAY**

**RE:
8 Red's Way, Raymond, ME 04071**

**Mortgage:
August 5, 2008
Book 26261, Page 279**

NOW COMES the Plaintiff in this matter, Carrington Mortgage Services, LLC, through its undersigned counsel, and hereby states that Defendants, Christopher E. Whitney and Christina E. Emery, filed a Chapter 7 Petition for relief under Title 11 of the United States Code, in the United States Bankruptcy Court for the District of Maine (Portland) on May 23, 2016, under Bankruptcy Petition #16-20298, as referenced on the Docket Report attached hereto as *Exhibit A*. On September 25, 2017, Plaintiff through its then-counsel, Marshall Tinkle, Esq., filed a Motion for Relief from Stay. On November 16, 2017, an Order was entered granting Plaintiff's Motion for Relief from Stay. Following the relief, a loan modification was executed by the Defendants on October 23, 2018, which stated the first payment for the modified loan was due on December 1, 2018. On November 20, 2018, Defendants filed a Motion to Approve Loan Modification and a Motion to Modify Plan. On January 8, 2019, the bankruptcy court granted Defendants' Motion to Approve Loan Modification. It is alleged that the Defendants defaulted on the modified loan as set forth in the complaint.

On February 13, 2019, Plaintiff sent a Notice of Right to Cure to Defendants c/o their counsel, J. Scott Logan, Esq., as Defendants had defaulted on monthly payments due on and after December 1, 2018.

Plaintiff's undersigned counsel filed a Notice of Appearance and Request for Notice in the bankruptcy on March 16, 2020. The undersigned counsel is in the process of preparing and filing a Motion for Relief from Stay *Nunc Pro Tunc* to confirm and clarify that the Order initially granting relief from the automatic stay to allow Plaintiff pursue its rights under the contract remains in full force and effect.

Plaintiff is requesting that the Court stay all proceedings until an Order confirming Relief *Nunc Pro Tunc* is entered.

Dated: June 3, 2020

/s/ Reneau J. Longoria, Esq.
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CERTIFICATE OF SERVICE

I, Reneau J. Longoria, Esq., hereby certify that on this 3rd day of June, 2020, I served a copy of the above document by electronic notification using the CM/ECF system and/or First Class Mail to the following:

/s/ Reneau J. Longoria, Esq.
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